

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

Theodore J. Visner,

Plaintiffs,      Case No. 19-11466

v.

Judith E. Levy  
United States District Judge

Michigan State Police, et al.,

Mag. Judge Anthony P. Patti

Defendants.

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**ORDER EXTENDING TIME FOR PETITIONER TO FILE  
OBJECTIONS TO REPORT AND RECOMMENDATION [23]**

This is a prisoner civil rights case. Plaintiff Theodore Visner filed his *pro se* complaint on May 20, 2019. (ECF No. 1.) On October 2, 2019, Defendant Michigan State Police filed a Motion to Dismiss. (ECF No. 15.) On November 4, 2019, Magistrate Judge Anthony Patti, in a text-only order, extended the deadline for Plaintiff's response to December 4, 2019. On December 30, 2019, at which time Plaintiff had still not filed a response, Magistrate Judge Patti issued a Report and Recommendation to grant Defendant Michigan State Police's Motion to Dismiss as unopposed. (ECF No. 22.) On January 16, 2020, Plaintiff filed an

objection to the Report and Recommendation, claiming that it had been postmarked on January 7, 2020 and requesting additional time to file substantive objections. (ECF No. 23.)

Federal Rule of Civil Procedure 72 provides that any objections to Reports and Recommendations on dispositive motions must be served and filed “within 14 days after being served with a copy of the recommended disposition[.]” Plaintiff alleges that the Report and Recommendation he received was postmarked January 7, 2020. (ECF No. 23, PageID.74.) Plaintiff filed his current objection within the fourteen-day period required by the federal rules. Given the uncertainty created by the new year, the discrepancy between the filing date and postmark date of the Report and Recommendation, and Plaintiff’s current incarceration and *pro se* status, the Court grants Plaintiff an extension to file objections to the December 30, 2020 Report and Recommendation until January 31, 2020. The Court notes that this order does not authorize Plaintiff to file a response to Defendant Michigan State Police’s underlying Motion to Dismiss.

IT IS SO ORDERED.

Dated: January 17, 2020  
Ann Arbor, Michigan

s/Judith E. Levy  
United States District Judge

## **CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on January 17, 2020.

s/William Barkholz  
Case Manager